

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 13-179V
(Not to be published)

WILLIAM T. SMITH, JR., as Fiduciary of the
Estate of MICHAEL E. SMITH,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES

Respondent.

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Filed: May 30, 2014

Decision by Stipulation; Attorney's
Fees & Costs

Diana Stadelnikas Sedar, Sarasota, FL, for Petitioner

Darryl R. Wishard, Washington, DC, for Respondent

ATTORNEYS' FEES AND COSTS DECISION¹

On March 8, 2013, Petitioner filed a petition seeking compensation under the National Vaccine Injury Compensation Program. On April 15, 2014, Petitioner filed a motion to dismiss. On April 21, 2014, a decision dismissing the claim was filed, and judgment for dismissal pursuant to Vaccine Rule 11(a) was entered on May 22, 2014.

On May 30, 2014, counsel for both parties filed a joint stipulation in regards to attorneys' fees and costs. The parties have stipulated that Petitioner's counsel should receive a lump sum

¹ Because this decision contains a reasoned explanation for my action in this case, it will be posted on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). As provided by Vaccine Rule 18(b), moreover, each party has 14 days within which to request redaction "of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, the decision will be available to the public. Id.

of \$6,300.00, in the form of a check payable to Petitioner and Petitioner's counsel. This amount represents a sum to which respondent does not object.

I approve the requested amount for attorneys' fees and costs as reasonable. Accordingly, an award should be made in the form of a check payable jointly to Petitioner and Petitioner's counsel, Diana Stadelnikas Sedar, Esq. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.²

IT IS SO ORDERED.

/s/ Brian H. Corcoran
Brian H. Corcoran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing their right to seek review.